

Document Checklist for Obtaining Legal Ability to Act on a Senior's Behalf



Maintain updated versions of each of these documents to ensure your ability to act on behalf of a loved one when making medical, financial, and care planning decisions.

- ☐ **HIPAA Release:** A HIPAA release allows the designee access to health and medical records and allows communication with the principal's physicians.
- ☐ **Medical Power of Attorney:** Medical POA allows the designee to make healthcare decisions on behalf of another individual. A POA that is designated durable (DPOA) is valid and remains in effect even if the principal becomes incapacitated and/or cannot communicate.
- ☐ **Financial Power of Attorney:** Financial POA allows the designee to take specific actions on behalf of another individual as designated within the document. A POA that is designated durable (DPOA) is valid and remains in effect even if the principal becomes incapacitated and/or cannot communicate.
- ☐ **Letter of Competency:** To create and sign a POA the principal must be competent. If a power of attorney document does not explicitly say the power is durable, it expires if the principal becomes incapacitated. Once a person becomes incapacitated the ability to amend or revoke the POA document expires. A doctor's written, dated opinion regarding competency, or lack thereof should be kept with the original POA to avoid challenges to the legality of the document, or allow the power of the designee to spring into effect.
- ☐ **Advance Health Care Directive / Living Will:** A document that expresses the medical care decisions of the principal for use if that person becomes ill or incapacitated.
- ☐ **Trust Documents:** If property has been placed in trust by the principal, ensure that documentation has been made naming a Successor Trustee in order to make transfers of assets on the event of incapacity or death of the principal.
- ☐ **Last Will & Testament:** A will must be signed by the testator, dated, and signed by two witnesses to declare intentions for the distribution of assets and personal property in order to avoid probate and disagreements over the estate at the time of death. If the document names an executor to manage the estate, this individual's authority begins at the time of death and power of attorney becomes void.